
BULLETIN

OF THE NEW YORK CITY BOARD OF STANDARDS AND APPEALS

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October 3, 2002

DIRECTORY

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Affecting Calendar Numbers:

138-88-BZ	1007 Brooklyn Avenue, Brooklyn
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DOCKET

New Case Filed Up to September 24, 2002

248-02-BZ B.M. 105/07 Chambers Street (aka 160/70 Church Street and 89/91 Reade Street, Church Street, between Chambers and Reade Streets, Block 145, Lots 1001, 1002 and 1003, Borough of Manhattan. The legalization of an existing physical culture establishment, located in portions of the ground floor, cellar and sub-cellar of a five story building, requires a special permit from the Board as per Z.R. §32-00.

COMMUNITY BOARD #1M

249-02-BZ B.BX. 2501 Grand Concourse, northwest corner of Fordham Road, Block 3167, Lot 1, Borough of The Bronx. Applic.#200675359. Proposed physical culture establishment, to be located in the cellar of an existing five story building, in an R8 and R8/C1-3 zoning district, is contrary to §32-31.

COMMUNITY BOARD #7BX

250-02-BZ B.BK. 3845 Bedford Avenue, east side, 340' south of Bedford Avenue and Quentin Road, Block 6808, Block 74, Borough of Brooklyn. Alt.1#301397398.

Proposed enlargement of an existing one family dwelling, Use Group 1, located in an R3-2 zoning district, which does not comply with the zoning requirements for floor area, open space, lot coverage, side yards, minimum side yard and rear yard, is contrary to Z.R. §23-141(b), §23-461(a) and §23-47.

COMMUNITY BOARD #15BK

251-02-A B.Q. 11 Suffolk Walk, east side, 76.09' north of Sixth Avenue, Block 16350, Lot 400, Borough of Queens. Alt.#401465758. Proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, located within the bed of mapped street and also has a private disposal system within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

252-02-A B.Q. 466 Seabreeze Walk, east side, 4.31' south of Rockaway Point Boulevard, Block 16350, Lot 400, Borough of Queens. Alt.#401463493. Proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, located within the bed of mapped street and also has a private disposal system within the bed of a mapped street, is contrary to Sections 35 and 36, Article 3 of the General City Law.

253-02-A B.Q. 8 Marion Walk, west side, 302.52' north of Breezy Point Boulevard, Block 16350, Lot 400, Borough of Queens. Alt.#401463475. Proposed enlargement to an existing one family dwelling, not fronting on a legally mapped street, with a private disposal system in the bed of a private service road, is contrary to Section 36, Article 3 of the General City Law and the Department of Buildings policy, also the interpretation of Z.R. §23-47 and it relates to rear yard requirement.

254-02-BZ B.BK. 41/45 South Fifth Street, bounded on the west by Kent Avenue, and on the east by Wythe Avenue, Block 2441, Lot 38, Borough of Brooklyn.

Alt.#301158039. The legalization of residential occupancy, Use Group 2, in an existing three-story building, and the proposed use, in the one story building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

COMMUNITY BOARD #1BK

255-02-A B.Q. 21 Janet Lane, north side, 162' east of Beach 203rd Street, Block 16350, Lot 400, Borough of Queens. Alt.1#401457810. Proposed alteration to an existing one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

256-02-BZ B.BK. 160 Imlay Street, bounded by Imlay, Verona and Commerce Streets, and Atlantic Basin, Block 515, Lot 75, Borough of Brooklyn. Applic.#301396790. Proposed development of a vacant six story manufacturing building, and the addition of three floors, for residential use, Use Group 2, located in an M2-1 zoning district, is contrary to Z.R. §42-00 and §43-00.

COMMUNITY BOARD #6BK

DESIGNATIONS: D-Department of Buildings; B.BK.-Department of Buildings, Brooklyn; B.M.-Department of Buildings, Manhattan; B.Q.-Department of Buildings, Queens; B.S.I.-Department of Buildings, Staten Island; B.BX.-Department of Building, The Bronx; H.D.-Health Department; F.D.-Fire Department.

CALENDAR

OCTOBER 29, 2002, 10:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, October 29, 2002, at 10 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

SPECIAL ORDER CALENDAR

219-71-BZ

APPLICANT - Joseph P. Morsellino, Esq., for 147 Springfield Associates, LLC, owner.

SUBJECT - Application July 25, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired June 21, 1992 and for an amendment to the resolution.

PREMISES AFFECTED - 147-65/76 Springfield Boulevard aka 184-45 and 220-27 147th Avenue, north east corner of 147th Avenue and Springfield Boulevard, Block 13363, Lots 4 and 6, Borough of Queens.

COMMUNITY BOARD #13Q

174-94-BZ

APPLICANT - Carl A. Sulfaro, Esq., for David Rosero, owner; Carlandia Auto Sales, lessee.

SUBJECT - Application May 23, 2002 - reopening for an extension of term of variance which expired May 6, 2002.

PREMISES AFFECTED - 99-07 Roosevelt Avenue, northwest corner of 99th Street, Block 1765, Lot 44, Borough of Queens.

COMMUNITY BOARD #3Q

165-98-BZ

APPLICANT - Klein & O'Brien, LLP, for Seagate Minimall, Inc., owner; Za Zaborom, Inc., aka/dba Mermaid Spa, lessee.

SUBJECT - Application July 8, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired February 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 3701 Mermaid Avenue, north east corner of Mermaid Avenue and West 37th Street, south of Oceanic Avenue, Block 7029, Lot 60, Borough of Brooklyn.

COMMUNITY BOARD #13BK

OCTOBER 29, 2002, 11:00 A.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday morning*, October 29, 2002, at 11 A.M., at 40 Rector Street, 6th Floor, New York, N.Y. 10006, on the following matters:

APPEALS CALENDAR

21-02-A thru 25-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for MSIM Development, Inc., owner.

SUBJECT - Application January 8, 2002 - Proposed two family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law. PREMISES AFFECTED - 258-31 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 26, Borough of Queens.

258-33 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 27, Borough of Queens.

258-35 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 28, Borough of Queens.

258-37 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 128, Borough of Queens.

258-39 Francis Lewis Boulevard, east side, 310.3' south of 145th Avenue, Block 13682, Lot 29, Borough of Queens.

COMMUNITY BOARD #13Q

127-02-A thru 137-02-A

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, LLP, for Michael Leonardi, owner.

SUBJECT - Application April 24, 2002 - Proposed construction of a one family dwelling not fronting on a legally mapped street, which is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 30 Aviston Street, southwest corner of Tarrytown Avenue, Block 4686, Lot 1, Borough of Staten Island.

32 Aviston Street, west side, 24' south of Tarrytown Avenue, Block 4686, Lot 2, Borough of Staten Island.

34 Aviston Street, west side, 38' south of Tarrytown Avenue, Block 4686, Lot 3, Borough of Staten Island.

36 Aviston Street, west side, 52' south of Tarrytown Avenue, Block 4686, Lot 4, Borough of Staten Island.

38 Aviston Street, west side, 66' south of Tarrytown Avenue, Block 4686, Lot 5, Borough of Staten Island.

40 Aviston Street, west side, 80' south of Tarrytown Avenue, Block 4686, Lot 6, Borough of Staten Island.

42 Aviston Street, west side, 94' south of Tarrytown Avenue, Block 4686, Lot 7, Borough of Staten Island.

44 Aviston Avenue, west side, 108' south of Tarrytown Avenue, Block 4686, Lot 8, Borough of Staten Island.

CALENDAR

46 Aviston Avenue, west side, 122' south of Tarrytown Avenue, Block 4686, Lot 9, Borough of Staten Island.
48 Aviston Avenue, west side, 136' south of Tarrytown Avenue, Block 4686, Lot 10, Borough of Staten Island.
45 Aviston Avenue, west side, 150' south of Tarrytown Avenue, Block 4686, Lot 15, Borough of Staten Island.
COMMUNITY BOARD #3SI

OCTOBER 29, 2002, 2:00 P.M.

NOTICE IS HEREBY GIVEN of a public hearing, *Tuesday afternoon*, October 29, 2002, at 2 P.M., at 40 Rector Street, 6^h Floor, New York, N.Y. 10006, on the following matters:

217-02-A

APPLICANT - Rudolf J. Beneda, A.I.A., for John Velazquez, owner.

SUBJECT - Application July 26, 2002 - Proposed building not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 20 Englewood Avenue, southwest corner of Pearl Street, Block 7465, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #3SI

ZONING CALENDAR

12-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Exxon Mobil Oil Corporation, owner.

SUBJECT - Application January 4, 2002 - under Z.R. §73-211, to permit the proposed construction of a new automotive service station, Use Group 16, with an accessory convenience store, located in a C2-3 within an R5 zoning district, and is contrary to Z.R. §32-25.

PREMISES AFFECTED - 3132 Fort Hamilton Parkway, between McDonald Avenue and East Second Street, Block 5315, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #12BK

233-02-A

APPLICANT - Gary Lenhart, R.A., for The Breezy Point Cooperative, owner; Michaela & Kevin Danaher, lessee.

SUBJECT - Application August 19, 2002 - Proposed alteration and enlargement, to an existing one family dwelling, located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 107 Reid Avenue, east side, west side of mapped Beach 201st Street, Block 16350, Part of Lot 400, Borough of Queens.

82-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Sholem Freund, owner.

SUBJECT - Application August 8, 2002 - under Z.R. §72-21, to permit the proposed construction of a six story residential building, in a manufacturing (M1-2) zoning district, which also exceeds the maximum permitted floor area ratio, lot coverage and rear yard, which is contrary to Z.R. §42-00, §23-145 and §23-47.

PREMISES AFFECTED - 788 Kent Avenue, 25' south of Little Nassau Street, Block 1883, Lot 23, Borough of Brooklyn.

COMMUNITY BOARD #3BK

243-02-A

APPLICANT - Walter T. Gorman, P.E., for Breezy Point Cooperative Inc., owner; Charles & Anne Mullan, owners.

SUBJECT - Application September 9, 2002 - Proposed enlargement to the existing first floor, construction of a new second floor and the installation of a new septic system to an existing building, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

PREMISES AFFECTED - 5 Roosevelt Walk, east side, 140' south of Oceanside Avenue, Block 16350, Part of Lot 400, Borough of Queens.

COMMUNITY BOARD #14Q

121-02-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector, for Harbor Associates, owner; Harbor Fitness Inc., lessee.

SUBJECT - Application April 17, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located in a C8-1 zoning which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 9215 Fourth Avenue, a/k/a 9214 Fifth Avenue, east side, 105' south of 92nd Street, Block 6108, Lot 17, Borough of Brooklyn.

COMMUNITY BOARD #10BK

CALENDAR

122-02-BZ

APPLICANT - Fredrick A. Becker, Esq., for Perl Rose Realty Co., LLC, owner; Just Calm Down, LLC, lessee.
SUBJECT - Application April 18, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located on the first floor and in the cellar of a six story office building, which requires a special permit as per Z.R. §73-36.

PREMISES AFFECTED - 32 West 22nd Street, south side, 492' west of Fifth Avenue, Block 823, Lot 61, Borough of Manhattan.

COMMUNITY BOARD #5M

142-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Yaacov Zwick, owner.

SUBJECT - Application May 1, 2002 - under Z.R. §73-622, to permit the proposed enlargement of a single family dwelling, Use Group 1, located in an R2 zoning district, which does not comply with the zoning requirements for open space ratio and rear yard is contrary to §23-141 and §23-47.

PREMISES AFFECTED - 1070 East 24th Street, 214' north of Avenue "K" (between Avenues "J and K"), Block 7605, Lot 73, Borough of Brooklyn.

COMMUNITY BOARD #14BK

151-02-BZ

APPLICANT - Law Offices of Howard Goldman, PLLC, for Phoenix House Foundation, Inc., owner; Cavan Development Corp., Contract Vendee.

SUBJECT - Application May 9, 2002 - under Z.R. §72-21, to permit the proposed construction of a twelve story building with a penthouse, which exceeds the maximum permissible height, located in a C4-6A zoning district, which is contrary to Z.R. §23-692.

PREMISES AFFECTED - 223 West 80th Street, between Broadway and Amsterdam Avenue, Block 1228, Lot 19, Borough of Manhattan.

COMMUNITY BOARD #7M

162-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Eli and Raizy Levitin, owner.

SUBJECT - Application May 20, 2002 - under Z.R. §73-622 to permit the proposed enlargement to an existing one family dwelling, Use Group 1, located in an R2 zoning

district, which does not comply with the zoning requirements for floor area ratio and side and rear yards, and is contrary Z.R. §23-46, §23-461 and §23-141.

PREMISES AFFECTED - 1222 East 22nd Street, 358' north of Avenue "L", between Avenues "K and L", Block 7621, Lot 67, Borough of Brooklyn.

COMMUNITY BOARD #14BK

197-02-BZ

APPLICANT - Gary H. Silver Architect, P.C., for Nostrand Kings Management, owner; Theater Fitness Inc., DBA Empire Fitness, lessee.

SUBJECT - Application June 19, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, in a two story commercial building, located in a C2-2 within an R3-2 zoning district, requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 2825 Nostrand Avenue, east side, 129.14' south of Kings Highway, Block 7692, Lot 38, Borough of Brooklyn.

COMMUNITY BOARD #18BK

200-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Malu Properties, Inc., owner; BP Amoco Global Alliance, lessee.

SUBJECT - Application August 12, 2002 - under Z.R. §72-21, to permit the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-2 within an R7-2 zoning district, is contrary to a previous variance granted under Cal. No. 493-41-BZ and Z.R. §22-00.

PREMISES AFFECTED - 2326 First Avenue, northeast corner of East 119th Street, Block 1807, Lots 1 and 5, Borough of Manhattan.

COMMUNITY BOARD #11M

Pasquale Pacifico, Executive Director

MINUTES

**REGULAR MEETING
TUESDAY MORNING, SEPTEMBER 24, 2002
10:00 A.M.**

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

The minutes of the regular meetings of the Board held on Tuesday morning and afternoon, August 6, 2002, were approved as printed in the Bulletin of August 15, 2002, Volume 87, No. 31.

SPECIAL ORDER CALENDAR

833-52-BZ, Vol. III

APPLICANT - Walter T. Gorman, P.E., for Zohar, LLC, owner; Benchai Ventures, Inc., lessee.

SUBJECT - Application April 19, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired January 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 5916/30 Foster Avenue, southwest corner of Ralph Avenue, Block 7955, Lot 6, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: John Ronan.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, term of the variance extended and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, a reopening for an amendment to the resolution and an extension of the term of the variance which expired on January 15, 2002; and

WHEREAS, a public hearing was held on this application July 23, 2002, after due notice by publication in The City Record, laid over to September 10, 2002 and then to September 24, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance permitting a gasoline service station for an additional ten (10) years; and

WHEREAS, the applicant also seeks to amend the resolution to permit the erection of a new canopy.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the resolution pursuant to '11-411, said

resolution having been adopted on May 12, 1953, as amended through May 18, 1993, so that as amended this portion of the resolution shall read:

“To permit the erection of a new canopy, and to extend the term of the variance for ten years from January 15, 2002 expiring January 15, 2012; on condition

THAT the premises shall be maintained in substantial compliance with Board approved plans marked “Received April 19, 2002”-(5) sheets; and on further condition;

THAT there shall be no sale of automobiles on the premises at any time;

THAT there shall be no parking on the sidewalk;

THAT the premises shall be maintained graffiti-free at all times;

THAT all signage shall comply to C-1 Zoning District regulations;

THAT the above conditions shall appear in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.”

(DOB. Nos. 301317420 and 301317439)

Adopted by the Board of Standards and Appeals, September 24, 2002.

355-54-BZ

APPLICANT - Sheldon Lobel, P.C., for Globe Electric Supply Co., Inc., owner.

SUBJECT - Application August 14, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 33-29/43 9th Street, aka 33-64 10th Street, Block 320, Lot 10, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Applicant: Sheldon Lobel and Janice Cahalane.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an amendment to the resolution; and

MINUTES

WHEREAS, a public hearing was held on this application on April 16, 2002 after due notice by publication in The City Record, laid over for continued hearing to May 21, 2002, July 16, 2002, August 6, 2002, September 10, 2002 and then to September 24, 2002 for decision; and

WHEREAS, the applicant seeks to amend the resolution, to enlarge the existing one and a half story building by constructing a partial second floor, and to legalize the change in use from iron works factory to an electrical lighting fixture warehouse.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution adopted on December 19, 2000, pursuant to Z.R. §§ 11-412 and 11-413, so that as amended this portion of the resolution shall read:

"To permit the enlargement of the existing one and a half story building by constructing a partial second floor, and to legalize the change in use from iron works factory to an electrical lighting fixture warehouse; on condition;

THAT the premises shall be maintained in substantial compliance with Board approved plans marked "Received August 14, 2001"-(4) sheets, "July 11, 2002"-(1) sheet, and "July 19, 2002"-(1) sheet; and on further condition

THAT the adjacent lot, number 37, shall not be used for accessory storage or any other business-related uses at any time;

THAT the subject premises shall comply with all applicable Performance Standards for M1-1 Zoning Districts as defined in the Zoning Resolution;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (DOB. No. 401200428)

Adopted by the Board of Standards and Appeals, September 24, 2002.

739-76-BZ

APPLICANT - Joseph P. Morsellino, Esq., for Cord Meyer Development, Corp., owner; Peter Pan Games of Bayside, lessee.

SUBJECT - Application April 6, 2001 - reopening for an extension of term of variance which expired April 10, 2001.

PREMISES AFFECTED - 212-95 26th Avenue, 26th Avenue and Bell Boulevard, Block 5900, Lot 2, Borough of Queens.

COMMUNITY BOARD #1Q

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Rules of Practice and Procedure waived, application reopened, and term of the variance extended.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a waiver of the Rules of Practice and Procedure, re-opening, and extension of the term of the variance which expired on April 10, 2002; and

WHEREAS, a public hearing was held on this application September 10, 2002, after due notice by publication in The City Record, laid over to September 24, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance permitting an amusement arcade for an additional one year; and

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and amends the resolution pursuant to '11-411, said resolution having been adopted on February 8, 1977, so that as amended this portion of the resolution shall read:

"To extend the term of the variance for one year from April 10, 2002 expiring April 10, 2003; on condition

THAT the premises shall be maintained in substantial compliance with Board approved plans marked "Received June 5, 2002"-(3) sheets; and on further condition

THAT all conditions from prior resolutions shall be complied with;

THAT the above conditions shall appear in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (DOB. No. 401444282)

Adopted by the Board of Standards and Appeals, September 24, 2002.

MINUTES

271-90-BZ

APPLICANT - Rothkrug Rothkrug Weinberg & Spector for EPT Holding Corp., owner.

SUBJECT - Application March 19, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 29, 2001.

PREMISES AFFECTED - 68-01/05 Queens Boulevard, northeast corner of Queens Boulevard and 68th Street, Block 1348, Lot 53, Woodside, Borough of Queens.

COMMUNITY BOARD #2Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Application reopened, and term of the variance extended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has requested a reopening and an extension of the term of the variance permitting a automobile repair establishment, which expired October 29, 2001; and

WHEREAS, a public hearing was held on this application on June 18, 2002, after due notice by publication in The City Record, laid over to July 16, 2002, August 6, 2002, and then to September 24, 2002 for decision; and

WHEREAS, the applicant seeks to extend the term of the variance for an additional ten years.

Resolved, that the Board of Standards and Appeals hereby waives the Rules of Practice and Procedure and reopens and extend the term of the variance, said resolution having been adopted October 29, 1991 so that as amended this portion of the resolution shall read:

"to permit the extension of the term of the variance for ten (10) years from October 29, 2001 expiring October 29, 2011, on condition

THAT the premises shall be maintained in substantial compliance with the proposed drawings submitted with the application marked "Received August 7, 2002"-(2) sheets; and that other than as herein amended the resolution above cited shall be complied with in all respects; and on further condition

THAT used car sales shall be limited to five cars within the confines of the premises at any time;

THAT there shall be no parking of automobiles on the sidewalk at any time;

THAT there shall be no used cars for sale parked on the street;

THAT there shall be no outdoor repair work;

THAT the premises shall be maintained graffiti-free at all times;

THAT the above conditions shall appear on the

Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted."

(DOB. No. 400113550)

Adopted by the Board of Standards and Appeals, September 24, 2002.

280-01-BZ

CEQR#02-BSA-028M

APPLICANT - Howard A. Zipser, Esq of Stadtmauer Bailkin, LLP and Howard Hornstein, Esq., of Fischbein Badillo Wagner Harding, for Metropolitan Transport Authority, S & M Enterprises, LLC, owner.

SUBJECT - Application July 8, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 663/673 Second Avenue, 241/249 East 36th Street, west side of Second Avenue between East 36th and East 37th Streets, Block 917, Lots 21, 24/30, 32 & 34, Borough of Manhattan.

COMMUNITY BOARD # 6M

APPEARANCES -

For Applicant: Howard Hornstein.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on August 13, 2002 after due notice by publication in The City Record, laid over to September 24, 2002 for decision; and

WHEREAS, on May 7, 2002, the Board granted a variance permitting the erection of a mixed-use building which violated commercial floor area location, commercial rear yard equivalent, tower-on-a-base, street wall transparency, accessory parking and curb cut regulations; and

MINUTES

WHEREAS, the applicant now seeks to amend the resolution, to reconfigure the residential tower portion of the Approved Building so that its northern leg is removed and its "L" shape is inverted and articulated on its south face; and

WHEREAS, the applicant represents and the Board finds that the reconfiguration would result in a building more complementary to the adjacent residential building; and

WHEREAS, the amended proposal results in a building which is 443 feet tall, 65 feet taller than the previously approved 378 feet, and also reduces the lot coverage from 27.6% to 21.8%.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution adopted on May 7, 2002, so that as amended this portion of the resolution shall read:

"To permit the reconfiguration of the residential tower portion of the mixed-use building; on condition;

THAT the premises shall be maintained in substantial compliance with Board approved plans marked "Received July 8, 2002"-(11) sheets and "August 2, 2002"-(4) sheets; and on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (DOB. No. 102973926)

Adopted by the Board of Standards and Appeals, September 24, 2002.

295-01-BZ

CEQR#02-BSA-038K

APPLICANT - Fischbein Badillo Wagner Harding, for Yeled V' Yalda Early Childhood Center, owner.

SUBJECT - Application July 19, 2002 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 1257-1263 38th Street, between 12th Avenue and 13th Avenue, Block 5295, Lots 47, 48, 49, Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Howard Hornstein.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application reopened and resolution amended.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an amendment to the resolution; and

WHEREAS, a public hearing was held on this application on September 10, 2002 after due notice by publication in The City Record, laid over to September 24, 2002 for decision; and

WHEREAS, on May 14, 2002, the Board granted a variance permitting the construction and operation of a five-story, cellar and sub-cellar school; and

WHEREAS, the applicant now seeks to amend the resolution, to reduce the size of the school to a four-story, cellar and mezzanine building;

WHEREAS, in response to the concerns of the Fire Department, the applicant has agreed to install an automatic wet sprinkler system and fire alarm system, both connected to a Fire Department-approved central station.

Resolved, that the Board of Standards and Appeals reopens and amends the resolution adopted on May 14, 2002, so that as amended this portion of the resolution shall read:

"To permit the reduction in size of the school to a four-story, cellar and mezzanine building; on condition;

THAT the premises shall be maintained in substantial compliance with Board approved plans marked "Received July 19, 2002"-(6) sheets and "September 13, 2002"-(2) sheets; and on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted." (DOB. No. 301268964)

Adopted by the Board of Standards and Appeals, September 24, 2002.

50-02-BZ thru 53-02-BZ

APPLICANT - New York City Board of Standards and Appeals.

OWNER OF PREMISES: Avalanche Enterprises

SUBJECT - to dismiss the application for lack of prosecution.

MINUTES

PREMISES AFFECTED - 58-46 69th Street, aka 59-01 Brown Place, northwest corner of Caldwell Avenue, Block 2778, Tentative Lot 1, Borough of Queens.

58-44 69th Street, aka 59-01 Brown Place, northwest corner of Caldwell Avenue, Block 2778, Tentative Lot 3, Borough of Queens.

58-42 69th Street, aka 59-01 Brown Place, northwest corner of Caldwell Avenue, Block 2778, Tentative Lot 5, Borough of Queens.

58-40 69th Street, aka 59-01 Brown Place, northwest corner of Caldwell Avenue, Block 2778, Tentative Lot 6, Borough of Queens.

COMMUNITY BOARD #5Q

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Application dismiss for lack of prosecution.

THE VOTE TO DISMISS -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has been given considerable opportunity to complete this application and no satisfactory progress has been made.

Resolved, the Board does hereby dismiss the application for lack of prosecution.

Adopted by the Board of Standards and Appeals, September 24, 2002.

1069-27-BZ, Vol. III

APPLICANT - Sheldon Lobel, P.C., for Frank Mormando, owner.

SUBJECT - Application July 12, 2001 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired March 6, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 6702/6724 New Utrecht Avenue, irregular-shaped triangular block bounded by New Utrecht Avenue, 15th Avenue and 68th Street, Block 5565, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #11BK

For Applicant: Lyra Altman and Frank Mormando.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 8, 2002, at 10 A.M., for decision, hearing closed.

438-29-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 406-418 Remsen Avenue, Brooklyn.

COMMUNITY BOARD #17BK

APPEARANCES -

For Applicant: Amit Itshiah and Lorin Lewis.

For Opposition: Gary Rawlins.

ACTION OF THE BOARD - Laid over to November 19, 2002, at 10 A.M., for continued hearing.

16-36-BZ

APPLICANT - Vassalotti Associates, A.I.A., for Phillips Petroleum Co., owner.

SUBJECT - Application April 18, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a certificate of occupancy.

PREMISES AFFECTED - 1885 Westchester Avenue, northeast corner of Leland Avenue, Block 3880, Lot 1, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 22, 2002, at 10 A.M., for decision, hearing closed.

52-55-BZ

APPLICANT - Carl A. Sulfaro, Esq., for Bouck Oil Corp., owner.

SUBJECT - Application June 11, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired October 14, 2000.

PREMISES AFFECTED - 1255 East Gun Hill Road, northwest corner of Bouck Avenue, Block 4733, Lot 72, Borough of The Bronx.

COMMUNITY BOARD #12BX

APPEARANCES -

For Applicant: Carl A. Sulfaro.

ACTION OF THE BOARD - Laid over to October 22, 2002, at 10 A.M., for continued hearing.

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618-55-BZ

APPLICANT - Catapano Engineering, P.C., for Leemilts Petroleum, Inc. (aka Power Test Realty Co.), owner.

SUBJECT - Application January 15, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired May 22, 2001 and for an amendment to the resolution.

PREMISES AFFECTED - 3902 Avenue U, between Ryder Street and Kimball Street, Block 8556, Lot 37, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Michelle Spallino.

ACTION OF THE BOARD - Laid over to October 22, 2002, at 10 A.M., for continued hearing.

838-55-BZ

APPLICANT - Catapano Engineering, P.C., for 1866 Westchester Avenue Corp., owner.

SUBJECT - Application May 2, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of term of variance which expired January 15, 2002 and for an amendment to the resolution.

PREMISES AFFECTED - 1866-90 Westchester Avenue, southeast corner of White Plains Road, Block 3767, Lot 53, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to November 19, 2002, at 10 A.M., for continued hearing.

393-59-BZ

APPLICANT - Vassalotti Associates Architects, LLP, for Pauline and Peter Giardullo, owner.

SUBJECT - Application March 28, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expires March 18, 2005 and for an amendment to the resolution.

PREMISES AFFECTED - 2805 Edson Avenue aka 1945 Bartow Avenue, northwest corner of Bartow Avenue and Edson Avenue, Block 4800, Lot 29, Borough of The Bronx.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Laid over to October 22, 2002, at 10 A.M., for continued hearing.

641-59-BZ

APPLICANT - Kenneth H. Koons, R.A., for Jesus Beniquez, owner.

SUBJECT - Application September 11, 2001 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of variance which expired May 6, 2000.

PREMISES AFFECTED - 760 Castle Hill Avenue, northeast corner of Homer Avenue, Block 3614, Lot 28, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Kenneth H. Koons.

ACTION OF THE BOARD - Laid over to November 12, 2002, at 10 A.M., for continued hearing.

834-60-BZ

APPLICANT - Vassalotti Associates, Architects, LLP, for Exxon Corporation, owner.

SUBJECT - Application March 27, 2002 - request for a waiver of the Rules of Practice and Procedure, reopening for an extension of time to obtain a Certificate of Occupancy which expired March 2, 2000 and for an amendment to the resolution.

PREMISES AFFECTED - 140 Vanderbilt Avenue, northwest corner of Myrtle Avenue, Block 2046, Lot 84, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Laid over to November 19, 2002, at 10 A.M., for continued hearing.

542-69-BZ

APPLICANT - Thomas Schneider, for Schneider Family Living Trust, owner.

SUBJECT - Application May 8, 2002 - reopening for an extension of term of variance.

PREMISES AFFECTED - 3326-32 Decatur Avenue, East Gun Hull Road, Block 3355, Lot 92, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Thomas Schneider.

ACTION OF THE BOARD - Laid over to October 22, 2002, at 10 A.M., for continued hearing.

116-81-BZ

APPLICANT - Catapano Engineering, P.C., for 1579 Atlantic Avenue, owner.

SUBJECT - Application March 27, 2002 and updated May 29, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of term of

MINUTES

variance which expired July 14, 2001.

PREMISES AFFECTED - 1581 Atlantic Avenue aka 48/56 Troy Avenue, northwest corner of Troy Avenue, Block 1705, Lots 58 and 62, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Michelle Spallino.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 22, 2002, at 10 A.M., for decision, hearing closed.

426-81-BZ

APPLICANT - Kenneth H. Koons, R.A., for R & A Fiorini, owner.

SUBJECT - Application April 29, 2002 - reopening for an extension of term of variance which expired April 20, 2002 and for an amendment to resolution.

PREMISES AFFECTED - 2329 Story Avenue, north side of Havemeyer Avenue, Block 3699, Lot 71, Borough of The Bronx.

COMMUNITY BOARD #9BX

APPEARANCES -

For Applicant: Kenneth H. Koons.

ACTION OF THE BOARD - Laid over to November 12, 2002, at 10 A.M., for continued hearing.

62-83-BZ

APPLICANT - Sheldon Lobel, P.C., for Shaya B. Pacific LLC, owner.

SUBJECT - Application October 22, 2001 - reopening for an amendment to the resolution.

PREMISES AFFECTED - 696 Pacific Street, 529/39 Dean Street and 549/59 Dean Street, Block 1128, Lots 16, 18, 37, 65, 68, 70, Borough of Brooklyn.

COMMUNITY BOARD #8BK

APPEARANCES -

For Applicant: Janice Cahalane and Sheldon Lobel.

For Opposition: Bayo Callender, Roger ?, Eric Yaden, Karen Gleason and Elisabeth Martin.

For Administration: John Yacovone, Fire Department.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 29, 2002, at 10 A.M., for decision, hearing closed.

173-94-BZ

APPLICANT - New York City Board of Standards and Appeals.

SUBJECT - For possible rescindment of the resolution.

PREMISES AFFECTED - 165-10 144th Road, southeast corner of Rockaway Boulevard, Block 13271, Lot 17, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Hiram Rothkrug.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to October 22, 2002, at 10 A.M., for continued hearing.

43-95-BZ

APPLICANT - Sheldon Lobel, P.C., for Salvatore and Matteo Roselli, owner.

SUBJECT - Application June 18, 2002 - reopening for an extension of time to complete construction which expired on May 19, 2002.

PREMISES AFFECTED - 1098 East 56th Street, 107.16' south of Flatlands Avenue, Block 7781, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #18BK

APPEARANCES -

For Applicant: Lyra Altman.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 8, 2002, at 10 A.M., for decision, hearing closed.

201-98-A thru 203-98-A

APPLICANT - Klein & O'Brien, LLP, for Marina Development Association, L.P., owner.

SUBJECT - Application June 18, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to complete construction which expired April 18, 2001.

PREMISES AFFECTED - 4302, 4310, 4312, 4314, 4322 West Shore Avenue, south west corner of Bay 43rd Street, and West Shore Avenue, Block 6944, Lot 480, Borough of Brooklyn.

505, 507, 515, 517, 525, 527, 535, 537, 545, 547, 555 and 557 Bay 43rd Street, Hunters Avenue and West Shore Avenue, Block 6944, Lot 321, Borough of Brooklyn.

403-11, 415, 17, 21, 23, 31, 33, 37, 39, 43, 53, 55, 59, 61, 65, 67, 75, 77, 81, 83 Bay 43rd Street, Hunter Avenue and Shore Parkway, Block 6944, Lot 80, Borough of Brooklyn.

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COMMUNITY BOARD #13BK

APPEARANCES - None.

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 22, 2002, at 10 A.M., for decision, hearing closed.

186-99-BZ

APPLICANT - Vincent A. Sireci, Esq., for Razmik Oganesian, owner.

SUBJECT - Application June 27, 2002 - reopening for an extension of time to obtain a Certificate of Occupancy.

PREMISES AFFECTED - 74-24 Rockaway Boulevard, south side 81.39' west of 91st Avenue, Block 8943, Lot 10, Woodhaven, Borough of Queens.

COMMUNITY BOARD #9Q

APPEARANCES - None.

ACTION OF THE BOARD - Laid over to November 12, 2002, at 10 A.M., for continued hearing.

89-02-A

APPLICANT - Sheldon Lobel, P.C., for McDonalds Corporation, owner.

SUBJECT - Application March 27, 2002 - Proposed construction of a trash enclosure and parking stalls for a proposed fast food restaurant, on a portion of the subject lot, which is located within the bed of a mapped street, is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 244-10 Merrick Boulevard, aka 244-16 Merrick Boulevard, south side, between 244th and 245th Streets, Block 13208, Lot 33, Borough of Queens.

COMMUNITY BOARD #13Q

APPEARANCES -

For Applicant: Lisa Altman.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to November 19, 2002, at 11 A.M., for continued hearing.

113-02-A

APPLICANT - Francis R. Angelino, Esq., for Sage Realty Corporation, owner.

SUBJECT - Application April 11, 2002 - An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

PREMISES AFFECTED - 777 Third Avenue, east side, between East 48th and East 49th Streets, Block 1322, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to January 28, 2002, at 11 A.M., for continued hearing.

115-02-A thru 118-02-A

APPLICANT - Francis R. Angelino, Esq., for Sage Realty Corporation, owner.

SUBJECT - Application April 16, 2002 - An application for an interpretative appeal of Local Law 5 regarding various regulations pertaining to the Fire Safety Plan for subject premises.

PREMISES AFFECTED - 767 Third Avenue, southeast corner of East 48th Street, Block 1321, Lots 41-47, Borough of Manhattan.

747 Third Avenue, east side, between East 46th and East 47th Streets, Block 1320, Lots 1-5 and 46-49, Borough of Manhattan.

437 Madison Avenue, east side, between East 49th and East 50th Streets, Block 1285, Lot 21, Borough of Manhattan.

320 West 13th Street, northwest corner of Horatio Street, Block 627, Lot 43, Borough of Manhattan.

COMMUNITY BOARD #6M

APPEARANCES -

For Opposition: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to September 24, 2002, at 11 A.M., for continued hearing.

141-02-A

APPLICANT - The Agusta Group for Raymond & Katherine Koon, owner.

SUBJECT - Application May 1, 2002 - Proposed construction of a two-story, one family dwelling, located partially within the bed of a mapped street, which is contrary to Section 35, Article 3 of the General City Law.

PREMISES AFFECTED - 46-17 Overbrook Street, west side, between Alameda and Thebes Avenues, Block 8204, Lot 14, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Patrick Jones and Sol Korman.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to October 8, 2002, at 10 A.M., for continued hearing.

154-02-A & 155-02-A

APPLICANT - Joseph B. Raia, R.A., for Michael Simioni, owner.

SUBJECT - Application May 14, 2002 - Proposed construction of a one family dwelling, not fronting on a legally mapped street, is contrary to Section 36, Article 3 of the General City Law.

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PREMISES AFFECTED - 26 Pitney Avenue, south side, 213.10' west of Bloomingdale Road, Block 7356, Lot 445, Borough of Staten Island.

28 Pitney Avenue, south side, 213.10' west of Bloomingdale Road, Block 7356, Lot 444, Borough of Staten Island.

COMMUNITY BOARD #3SI

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to October 1, 2002, at 11 A.M., for continued hearing.

159-02-A

APPLICANT - Charles L. Walker, for Charles Ferrando.
OWNER OF PREMISES: Sucuri Palevic.

SUBJECT - Application May 16, 2002 - An appeal challenging the Department of Buildings' determination dated April 18, 2002, in which the Department refused to revoke Certificate of Occupancy No. 500442675 for subject premises, on the grounds that said building does not violate the Zoning Resolution and the NYC Building Code requirements.

PREMISES AFFECTED - 33 White Plains Avenue, between Shaughnessy Lane and Chestnut Avenue, Block 2967, Lot 73, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES -

For Applicant: Gerald Goldstein

For Opposition: John Reisinger, Department of Buildings.

ACTION OF THE BOARD - Laid over to December 10, 2002, at 11 A.M., for continued hearing.

Pasquale Pacifico, Executive Director.

Adjourned: 12:10 P.M.

REGULAR MEETING TUESDAY AFTERNOON, SEPTEMBER 24, 2002 2:00 P.M.

Present: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.

ZONING CALENDAR

244-01-BZ

CEQR #02-BSA-012K

APPLICANT - Sheldon Lobel, P.C., for Rodney Street Corp., owner.

SUBJECT - Application July 24, 2001 - under Z.R. §72-21, to permit the legalization of residential units within an existing three story building located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 325 South First Street, aka 398/404 Rodney Street, northeast corner, Block 2398, Lot 28, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Eric Palatnik

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application granted on condition.

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION

WHEREAS, the decision of the Borough Commissioner, dated July 10, 2001 acting on Application No. 01185955 reads:

"PROPOSED RESIDENTIAL DWELLINGS IN M1-1 ZONING DISTRICT ARE CONTRARY TO SECTION 42-00 OF THE ZONING RESOLUTION AND REQUIRE A VARIANCE FROM THE BOARD OF STANDARDS AND APPEALS. "; and

WHEREAS, a public hearing was held on this application on March 5, 2002 after due notice by publication in The City Record, and laid over to April 16, 2002, May 21, 2002, July 9 2002, August 6, 2002, and then to September 24, 2002 for decision; and

WHEREAS, the site and surrounding area had a site and neighborhood examination by a committee of the Board consisting of Chairman James Chin, Vice Chairman Satish Babbar, Commissioner Mitchell Korbey and Commissioner Peter Caliendo; and

WHEREAS, this is an application under Z.R. § 72-21,

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to permit, in an M1-1 zoning district, the legalization of existing residential units contrary to Z.R. Section 42-00; and

WHEREAS, the parcel measures 25 feet by 77 feet, located on the southeasterly corner formed by the intersection of the northerly side of South First Street and the easterly side of Rodney Street, improved with a three-story building; and

WHEREAS, the record indicates that the subject building presently contains one residential unit on each of the top two floors and two units on the ground floor; and

WHEREAS, the owner proposes to convert the aforementioned four units to three units by combining the two ground floor units into one with the units on the second and third floors remaining unchanged; and

WHEREAS, the applicant represents that although the building contains residential units, the current owner has never illegally rented the units for residential use; and

WHEREAS, the record indicates that the applicant documented good-faith attempts to obtain a conforming tenant; and

WHEREAS, the record indicates that the subject lot is irregular and substandard for modern manufacturing or warehouse uses because it does not provide an elevator or a loading dock; and

WHEREAS, the record indicates that the subject property is located on the service road to a major arterial, and its location would create difficulty in loading and unloading of trucks; and

WHEREAS, the Board agrees with the applicant's assertion, that the limited size of each floor would require multi-level occupation and the lack of an elevator would create a hardship to moving work product or equipment from floor to floor; and

WHEREAS, in response to Board concerns, the applicant has documented compliance with the ventilation requirements of Building Code Section 27-750 and amended the fire safety plans to provide an automatic wet sprinkler in the cellar connected to the domestic water supply; and

WHEREAS, the aforementioned unique conditions demonstrate that the development of this site with a conforming development creates an undue hardship; and

WHEREAS, evidence in the record, including a feasibility study, demonstrates that developing the site with a complying development would not yield a reasonable return; and

WHEREAS, the record indicates that within a 400-foot radius of the subject site, approximately 74% of the buildings house residential uses; and

WHEREAS, therefore, Board finds that the proposed application will not alter the essential character of the surrounding neighborhood, impair the use or development of adjacent properties nor be detrimental to the public welfare; and

WHEREAS, the hardship herein was not created by the owner or a predecessor in title; and

WHEREAS, the Board finds that the variance is the minimum variance necessary to afford relief; and

WHEREAS, the Board has determined that the evidence in the record supports the findings required to be made under Z.R. §72-21; and

Therefore, it is Resolved that the Board of Standards and Appeals issues a Negative Declaration, under 6 NYCRR Part 617 and §6-07(b) of the Rules of Procedure for City Environmental Quality Review and makes each and every one of the required findings under Z.R. §72-21 and grants a variation in the application of the Zoning Resolution, limited to the objections cited, to permit, in an M1-1 zoning district, the legalization of existing residential units contrary to Z.R. §42-00, on condition that all work shall substantially conform to drawings as they apply to the objections above noted, filed with this application marked "Received April 9, 2002"- (7) sheets and "August 15, 2002"- (2) sheets, and on further condition;

THAT in accordance with BSA approved plans an automatic wet sprinkler connected to the domestic water supply shall be provided in the cellar and maintained. The number of sprinkler heads shall not exceed 20 at any time;

THAT substantial construction shall be completed in accordance with Z.R. §72-23;

THAT the above conditions shall be noted in the Certificate of Occupancy;

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted; and

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s) and/or configuration(s) not related to the relief granted.

Adopted by the Board of Standards and Appeals, September 24, 2002.

137-99-BZ

APPLICANT - Goidel & Siegel, LLP, for Mr. & Mrs. Michael Tropp, owner.

SUBJECT - Application June 25, 1999 - under Z.R. §72-21, to permit the legalization of a one story extension for residential purposes and the installation of a pool for respiratory therapy, which creates non-compliance with respect to open space, rear yard, lot coverage, floor area and side yards, which is contrary §23-12, §23-44, §23-14, §23-47, §23-141 and §23-48.

PREMISES AFFECTED - 165/67 Norfolk Street, Norfolk Street and Oriental Blvd., Block 8757, Lot 30, Borough of Brooklyn.

COMMUNITY BOARD #15BK

MINUTES

APPEARANCES -

For Applicant: Goidel Jonathan.

For Administration: John A. Yacovone, Fire Department.

ACTION OF THE BOARD - Application dismiss for lack of prosecution.

THE VOTE TO DISMISS -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE RESOLUTION -

WHEREAS, the applicant has been given considerable opportunity to complete this application and no satisfactory progress has been made.

Resolved, the Board does hereby dismiss the application for lack of prosecution.

Adopted by the Board of Standards and Appeals, September 24, 2002.

42-02-BZ

CEQR#BSA-128R

APPLICANT - Land Planning and Engineering Consultants, P.C., for Philip Folino, owner.

SUBJECT - Application January 30, 2002 - under Z.R. §72-21, to permit the proposed open auto sales establishment, Use Group 16, located in an R3-2 (Special South Richmond Development) zoning district, which is contrary to Z.R. §22-10.

PREMISES AFFECTED - 4601 Amboy Road, northwest corner of Waimer Place, Block 5585, Lot 99, Borough of Staten Island.

COMMUNITY BOARD #3S.I

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Application withdrawn.

THE VOTE TO WITHDRAW -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

Adopted by the Board of Standards and Appeals, September 24, 2002.

254-01-BZ

APPLICANT - Rothkrug and Rothkrug, for Chabad of NY Queens, owner.

SUBJECT - Application August 14, 2001 - under Z.R. §72-21 to permit the proposed construction of a synagogue (Use Group 4) located in an R2 zoning district, which does not

comply with the zoning requirements for F.A.R., lot front and side yards, which is contrary to Z.R. §24-11, §24-521, §24-34 and §24-35.

PREMISES AFFECTED - 26-06 213th Street, aka 212-24 26th Avenue, southwest corner, Block 5999, Lot 23, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Adam W. Rothkrug.

For Opposition: Patrick Jones.

For Administration: John Yacovone, Fire Department.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

THE VOTE TO CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2 P.M., for decision, hearing closed.

366-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Driggs Realty Corp., owner.

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, to permit the proposed conversion of a six story manufacturing building, into residential dwellings, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 500 Driggs Avenue, aka 482/504 Driggs Avenue, through lot fronting North 9th and 10th Streets, Block 2305, Lot 18, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Eric Palatnik and Kenneth Fisher.

For Administration: John Yacovone, Fire Department.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2 P.M., for continued hearing.

388-01-BZ

APPLICANT - Hiram A. Rothkrug, EPDSCO, for Equinox Partners, LTD, owner; Clove Road Body Builders, Inc., lessee.

SUBJECT - Application December 17, 2001 - under Z.R.

MINUTES

§73-36, to permit the legalization of an existing physical culture establishment, located within a portion of an existing commercial building, which requires a special permit as per Z.R. §32-10.

PREMISES AFFECTED - 2071 Clove Road, northeast corner, between Hillcrest Terrace and Mosel Avenue, Block 2921, Lot 6, Borough of Staten Island.

COMMUNITY BOARD #2S.I.

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

For Administration: John Yacovone, Fire Department.

THE VOTE TO REOPEN HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 8, 2002, at 2 P.M., for continued hearing.

143-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Thomas R. Birchard and Sarah R. Haddock, owners.

SUBJECT - Application April 16, 2001 - under Z.R. §72-21 to permit the legalization and the enlargement of an existing veterinary clinic (Use Group 6), located at the cellar and first floor levels of a six story building in an R7-2 zoning district, which is contrary to Z.R. §22-00.

PREMISES AFFECTED - 348 East 9th Street, northeast corner of 1st Avenue, Block 450, Lot 28, Borough of Manhattan.

COMMUNITY BOARD #3M

APPEARANCES -

For Applicant: Eric Palatnik.

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2 P.M., for continued hearing.

240-01-BZ

APPLICANT - Rothkrug & Rothkrug, for Lionshead 110 Development LLC, owner; Equinox Tribeca Inc., lessee.

SUBJECT - Application July 18, 2001 - under Z.R. §73-36, to permit the proposed physical culture establishment, within portions of the first and second floors, of an existing mixed use 21 story building, requires a special permit.

PREMISES AFFECTED - 110/20 Church Street, aka 54 Murray Street, aka 33/41 Park Place, southwest corner, Block 126, Lots 2 and 27, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Adam W. Rothkrug

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to November 19, 2002, at 2 P.M., for continued hearing.

263-01-BZ

APPLICANT - Fischbein Badillo Wagner Harding, for Lee & Wythe Realty Corp., owner; 85-101 North Third Street Associates, Inc., lessee.

SUBJECT - Application January 8, 2002 - under Z.R. §72-21, to permit the proposed 58 residential units on floors 2-6 of an existing six story building, which number includes legalization of 22 residential units and 10 loft law tenancies, located in an M1-2 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 85/101 North Third Street, northeast corner of Wythe Avenue, Block 2350, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #1M

APPEARANCES-

For Applicant: Howard Hornstein, Barbara hair and Jack Freeman

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2 P.M., for continued hearing.

324-01-BZ

APPLICANT - Sheldon Lobel, P.C., for Jill Moir, owner.

SUBJECT - Application November 8, 2001 and updated April 29, 2002 - under Z.R. §72-21, to permit the proposed construction of a mixed-use development (commercial and residential), located in an M1-2 zoning district, in which the commercial use is as of right, is contrary to §42-00.

PREMISES AFFECTED - 1077 Bay Street, between Bay and Edgewater Streets, Block 2825, Lot 1, Borough of Staten Island.

COMMUNITY BOARD #1S.I.

APPEARANCES-

For Applicant: Eric Palatnik and Daniel Lane.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2 P.M., for continued hearing.

363-01-BZ thru 365-01-BZ

APPLICANT - Freda Design Assoc. Ltd., for Harold Lane, owner.

SUBJECT - Application November 20, 2001 - under Z.R. §72-21, to permit the proposed construction of a three family dwelling, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 3304 Rombouts Avenue, eastside, 50' south of Givan Avenue, Block 5245, Tentative Lot 39, Borough of The Bronx.

3306 Rombouts Avenue, eastside, 50' south of Givan Avenue, Block 5245, Tentative Lot 40, Borough of The Bronx.

3308 Rombouts Avenue, eastside, 50' south of Givan Avenue, Block 5245, Tentative Lot 41, Borough of The Bronx.

MINUTES

COMMUNITY BOARD #2BX

APPEARANCES -

For Applicant: Peter Hirshman.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to November 19, 2002, at 2 P.M., for continued hearing.

369-01-BZ

APPLICANT - Sheldon Lobel, P.C., for SYC, LLC, owner.

SUBJECT - Application November 27, 2001 - under Z.R. §72-21, to permit the legalization of an existing three story residential building, Use Group 2, located in an M1-2 zoning district, is contrary to Z.R. §42-00.

PREMISES AFFECTED - 303 Seigel Street, northwest corner of Bogart Street, Block 3092, Lot 27, Borough of Brooklyn.

COMMUNITY BOARD #1BK

APPEARANCES -

For Applicant: Sheldon Lobel.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to October 29, 2002, at 2 P.M., for continued hearing.

13-02-BZ thru 16-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Walworth Holding Inc., owner.

SUBJECT - Application January 4, 2002 - under Z.R. §72-21, to permit the proposed residential units, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 112 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 26, Borough of Brooklyn.

114 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 27, Borough of Brooklyn

116 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 28, Borough of Brooklyn.

118 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 29, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to November 12, 2002, at 2 P.M., for continued hearing.

28-02-BZ

APPLICANT - Sheldon Lobel, P.C., for TUBA Corp., owner; Harris G. Joseph, Inc., lessee.

SUBJECT - Application January 16, 2002 - under Z.R. §73-36, to permit the legalization of an existing physical culture establishment, Use Group 9, located in the cellar, of a ten story building, in a C5-2 zoning district, which requires a special permit as per Z.R. §32-31.

PREMISES AFFECTED - 80 Madison Avenue, between 28th and 29th Streets, Block 858, Lot 14, Borough of Manhattan.

COMMUNITY BOARD #5M

APPEARANCES -

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to October 29, 2002, at 2 P.M., for continued hearing.

32-02-BZ

APPLICANT - Martyn and Don Weston, for 176 Johnson LLC, owner.

SUBJECT - Application January 18, 2002 - under Z.R. §72-21, to permit the proposed conversion of a former industrial building, located in an M1-1 zoning district, to residential use, Use Group 2, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 176/82 Johnson Street, aka 92/102 Prince Street, southwest corner, Block 2049, Lot 15, Borough of Brooklyn.

COMMUNITY BOARD #2BK

APPEARANCES -

For Applicant: Don Weston.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to October 8, 2002, at 2 P.M., for continued hearing.

43-02-BZ

APPLICANT - Sheldon Lobel, P.C., for George Pantelides, owner.

SUBJECT - Application February 1, 2002 - under Z.R. §72-21, to permit the legalization of an existing greenhouse-type structure and stairway platform, encroaching partially within the required rear yard which is contrary to Z.R. §23-47, and a previous decision by the Board under Cal. No. 31-01-A. PREMISES AFFECTED - 116 East 73rd Street, south side, between Park and Lexington Avenues, Block 1407, Lot 67, Borough of Manhattan.

COMMUNITY BOARD #8M

APPEARANCES -

For Applicant: Irving Minkin, Sheldon Lobel and George Pantelides.

For Opposition: Howard Hornstein and Peter Geis.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to November

MINUTES

26, 2002, at 2 P.M., for continued hearing.

44-02-BZ

APPLICANT - Harold Weinberg, P.E., for Oksana Ginkburg, owner.

SUBJECT - Application February 1, 2002 - under Z.R. §73-622, to permit the proposed enlargement of an existing one family dwelling, by enlarging the building forward and erecting a second story, also in addition to the enlargement, the dwelling will be converted to a two family residence, creates non-compliance with respect to floor area ratio, lot coverage, open space ratio and rear yard, and is therefore contrary to Z.R. §23-141, §23-48, §54-31 and §23-47.

PREMISES AFFECTED - 1125 Gilmore Court, north side, 100'-0" west of East 12th Street, Block 7455, Lot 56, Borough of Brooklyn.

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Administration: John Yacovone, Fire Department. THE VOTE CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:0

ACTION OF THE BOARD - Laid over to October 8, 2002, at 2 P.M., for decision, hearing closed.

60-02-BZ

APPLICANT - Harold Weinberg, P.E., for Naomi Kunin, owner.

SUBJECT - Application February 15, 2002 - under Z.R. §73-622, to permit the legalization of an interior enlargement in an existing one family dwelling, Use Group 1, which creates non-compliance with respect to floor area ratio and rear yard, which is contrary to Z.R. §§23-141 and 23-47.

PREMISES AFFECTED - 3849 Bedford Avenue, east side, 380.0' south of Quentin Road, Block 6808, Lot 71, Borough of Brooklyn

COMMUNITY BOARD #15BK

APPEARANCES -

For Applicant: Harold Weinberg.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to October 29, 2002, at 2 P.M., for continued hearing.

62-02-BZ thru 64-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Walworth Holding Inc., owner.

SUBJECT - Application January 4, 2002 - under Z.R. §72-21, to permit the proposed residential units, Use Group 2, located in an M1-1 zoning district, which is contrary to Z.R. §42-00.

PREMISES AFFECTED - 108 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 24, Borough of Brooklyn.

110 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 25, Borough of Brooklyn.

120 Walworth Street, between Park and Myrtle Avenues, Block 1735, Lot 30, Borough of Brooklyn.

COMMUNITY BOARD #3BK

APPEARANCES -

For Applicant: Eric Palatnik.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to November 12, 2002, at 2 P.M., for continued hearing.

105-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Moe D. Karash, owner; BP Amoco, plc., lessee.

SUBJECT - Application April 3, 2002 - under Z.R. §73-21, to permit the proposed construction of a new automotive service station, with an accessory convenience store, Use Group 16, located in a C2-4 within an R6 zoning district.

PREMISES AFFECTED - 205 West Fordham Road, corner of Sedgewick Avenue, Block 3236, Lot 220, Borough of The Bronx.

COMMUNITY BOARD #7BX

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5
Negative:0

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2 P.M., for decision, hearing closed.

111-02-BZ

APPLICANT - Sheldon Lobel, P.C., for Marcello Porcelli, Napa Realty Corp., owner; BP Amoco, plc, lessee.

SUBJECT - Application April 5, 2002 - under Z.R. §73-21, to permit

the proposed construction of a new automotive service station with an accessory convenience store, Use Group 16, located in a C2-4 within an R7-1 zoning district.

PREMISES AFFECTED - 925 Hunts Point Avenue, between Southern Boulevard and Bruckner Boulevard

MINUTES

(Expressway), Block 2735, Lot 20, Borough of The Bronx.

COMMUNITY BOARD #2BX

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2 P.M., for decision, hearing closed.

144-02-BZ & 145-02-A

APPLICANT - Sheldon Lobel, P.C., for David Oil Corp. c/o Henry Alpert, owner; BP Amoco, plc, lessee.

SUBJECT - Application May 3, 2002 - under Z.R. §73-211, to permit the proposed demolition of an existing automotive service station, and the construction of a new station with an accessory convenience store, with landscaping located within the bed of a mapped street (Use Group 16) which is contrary to Section 35, Article 3 of the General City Law and Z.R. §32-25 located in a C2-2 within and R3-2 zoning district.

PREMISES AFFECTED - 113-40 Merrick Boulevard, northwest corner of Linden Boulevard, Block 12326, Lot 21, Borough of Queens.

113-40 Merrick Boulevard, northwest corner of Linden Boulevard, Block 12326, Lot 21, Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Eric Palatnik.

THE VOTE CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2 P.M., for decision, hearing closed.

180-02-BZ

APPLICANT - David Stadtmauer/Stadtmauer Bailkin, LLP, for Cascarino's Realty Corp., owner; Cascarino's, lessee.

SUBJECT - Application May 24, 2002 - under Z.R. §72-21, to permit the proposed rear yard addition at the second floor level of an existing two story vacant building (proposed restaurant), which creates non-compliance with respect to the height and rear yard requirements, is contrary to Z.R. §§33-23 and 33-26.

PREMISES AFFECTED - 39-17 Bell Boulevard, between 39th and 40th Avenues, Block 6241, Lot 9, Borough of Queens.

COMMUNITY BOARD #11Q

APPEARANCES -

For Applicant: Steven Sinacori, Sidney Abelson, Joan Bogt and Fred Mazarella.

For Opposition: Frank Strala.

For Administration: John Yacovone, Fire Department.

THE VOTE CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey, Commissioner Caliendo and Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 22, 2002, at 2 P.M., for decision, hearing closed.

196-02-BZ

APPLICANT - SFS Associates by Peter Hirshman, for Dynamic Youth Community, Inc., owner.

SUBJECT - Application June 17, 2002 - under Z.R. §72-21, to permit the proposed construction of a fourth floor addition, for use as sleeping accommodations (domiciliary care facility) of 16 beds, to the existing three story community facility, Use Group 3, located in a C8-2 (OP) zoning district, which is contrary to Z.R. §32-13.

PREMISES AFFECTED - 1826/32 Coney Island Avenue, west side, 46' north of Avenue "O", Borough of Brooklyn.

COMMUNITY BOARD #12BK

APPEARANCES -

For Applicant: Peter Hirshman.

For Administration: John Yacovone, Fire Department.

ACTION OF THE BOARD - Laid over to October 29, 2002, at 2 P.M., for continued hearing.

198-02-BZ

APPLICANT - Joseph P. Morsellino, Esq., for SK 55 Wall LLC, owner; The Regent Wall Street, lessee.

SUBJECT - Application June 20, 2002 - under Z.R. §73-36, to permit an existing physical culture establishment, Use Group 9, accessory to an existing hotel, to be open to the public, which requires a special permit.

PREMISES AFFECTED - 55 Wall Street, south side, between Hanover and William Streets, Block 27, Lot 1, Borough of Manhattan.

COMMUNITY BOARD #1M

APPEARANCES -

For Applicant: Joseph P. Morsellino.

For Administration: John Yacovone, Fire Department.

THE VOTE CLOSE HEARING -

MINUTES

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5
Negative:0

ACTION OF THE BOARD - Laid over to October 8,
2002, at 2 P.M., for decision, hearing closed.

205-02-BZ

APPLICANT - Rothkrug, Rothkrug, Weinberg & Spector,
for Khanam Jan Nabati, owner.

SUBJECT - Application July 5, 2002 - under Z.R. § 72-21,
to permit

the proposed construction of a two story, one family
dwelling, that does not provide the required side yards,
which is contrary to Z.R. §23-41.

PREMISES AFFECTED - 108-18 171st Place, westside,
175' south of 108th Avenue, Block 10254, Lot 15,
Borough of Queens.

COMMUNITY BOARD #12Q

APPEARANCES -

For Applicant: Adam Rothkrug.

THE VOTE CLOSE HEARING -

Affirmative: Chairman Chin, Vice-Chair Babbar,
Commissioner Korbey, Commissioner Caliendo and
Commissioner Miele.....5

Negative:0

ACTION OF THE BOARD - Laid over to October 22,
2002, at 2 P.M., for decision, hearing closed.

Pasquale Pacifico, Executive Director.

Adjourned: 6:50 P.M.

CORRECTIONS

CORRECTION

This resolution adopted on May 14, 2002, under Calendar No. 130-88-BZ and printed in Volume 87, Bulletin No. 21, is hereby corrected to read as follows:

130-88-BZ

APPLICANT - Vassalotti Associates, AIA, for Phillips Petroleum Co., owner.

SUBJECT - Application February 12, 2002 - request for a waiver of the Rules of Practice and Procedure and reopening for an extension of time to obtain a new certificate of occupancy which expired October 12, 2000.

PREMISES AFFECTED - 1007 Brooklyn Avenue, southeast corner of Snyder Avenue and Brooklyn Avenue, Block 4907, Lot 1, Borough of Brooklyn.

COMMUNITY BOARD #17BK

APPEARANCES -

For Applicant: Hiram A. Rothkrug.

ACTION OF THE BOARD - Rules of practice and procedure waived, application reopened and time to obtain a new certificate of occupancy extended

THE VOTE TO GRANT -

Affirmative: Chairman Chin, Vice-Chair Babbar, Commissioner Korbey and Commissioner Caliendo.....4

Negative:0

THE RESOLUTION -

WHEREAS, the applicant requested a re-opening and an extension of the time to obtain a Certificate of Occupancy which expired on October 12, 2000; and

WHEREAS, a public hearing was held on this application on April 23, 2002, after due notice by publication in *The City Record*, laid over to May 14, 2002 for decision.

Resolved, that the Board of Standards and Appeals *reopens and amends* the resolution adopted on January 24, 1989 as amended through January 24, 1999 expiring January 24, 2009, only as to the time to obtain a new Certificate of Occupancy, so that as amended this portion of the resolution shall read:

“That a new Certificate of Occupancy shall be obtained within forty-eight (48) months from October 12, 2000; and on further condition

THAT this approval is limited to the relief granted by the Board in response to specifically cited and filed DOB/other jurisdiction objection(s) only;

THAT the approved plans shall be considered approved only for the portions related to the specific relief granted;

THAT the Department of Buildings must ensure compliance with all other applicable provisions of the Zoning Resolution, the Administrative Code and any other relevant laws under its jurisdiction irrespective of plan(s)

and/or configuration(s) not related to the relief granted.”

Adopted by the Board of Standards and Appeals, May 14, 2002.

***The resolution has been corrected in that the part which read: “THAT a new Certificate of Occupancy shall be obtained within thirty-six (36) months from October 12, 2000;” now reads: “THAT a new Certificate of Occupancy shall be obtained within forty-eight (48) months from October 12, 2000;”. Corrected in Bulletin Nos. 38-39, Vol. 87, dated October 3, 2002.**

MINUTES

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